

REMARKS

This Preliminary Amendment responds to the Final Action mailed July 28, 2008, and the Advisory Action mailed November 5, 2008.

Applicants have amended claim 1 based on the disclosure, for example, at page 6, line 23 - page 7, line 4, and in FIGS. 3 and 4 of the application.

Claims 1-7 have been rejected under 35 USC 103(a) as unpatentable over U.S. Patent No. 6,590,335 (Nagayama) in view of U.S. Patent Publication No. 2002/0142697 (Yamagata) and U.S. Patent Publication No. 2002/0063844 (Matsuura). Applicants respectfully traverse this rejection.

Claim 1 at the time of the previous Response recited irradiating with a laser beam a region of the display panel that is away from the foreign substance so that a high resistivity region is formed as a result of a melting by the laser beam of the electroluminescent layer between the anode layer and the cathode layer and around the foreign substance. Nagayama's method relies on removal of the defective portion and not on melting of that portion. See column 6, lines 16-21, of Nagayama. Matsuura's method does not include an electroluminescent layer at all because Matsuura's device is an LCD device. See column 1, lines 14-17, of Matsuura.

In response to applicants' explanation that Nagayama's oxidation does not amount to the claimed melting, the Examiner responded that "[b]ecause [Yamagata's] film removal method involves vaporization, which includes melting, of the film material and because the oxidation method is merely a process of a lesser degree of the film removal method, the oxidation process of Yamagata would have melted the layer to some degree." See page 5 of the Final Action. Applicants agree that some minuscule amount of melting might occur when Yamagata's light emitting element 206 is oxidized.

To distinguish the claimed melting over Yamagata's oxidation, applicants have amended claim 1 to state that the electroluminescent layer comprises a layered structure of a hole transport layer, an emissive layer and an electron transport layer, and during the melting of the electroluminescent layer the hole transport layer, the emissive layer and the electron transport

layer are melted together so that the layered structure disappears and the high resistivity region comprising constituents of the hole transport layer, the emissive layer and the electron transport layer is formed between the anode layer and the cathode layer.

Yamagata's oxidation does not amount to the claimed melting where the hole transport layer, the emissive layer and the electron transport layer are melted together so that their layered structure disappears. Accordingly, neither Nagayama, Yamagata nor Matsuura discloses the claimed melting of the electroluminescent layer.

Claim 1 also states that the laser beam is not directly incident on the detected foreign substance. The Examiner admits that Nagayama does not disclose the claimed indirect irradiation. See page 2 of the Final Action. In response to applicants' explanation that in order to laser-ablate defect portion 207, Yamagata's laser 224 must be directly incident on defect portion 207 as shown in Yamagata's FIG. 2B, the Examiner responds that "[h]owever, Matsuura teaches that a laser can be used to form a cut around a defect to isolate the defect." See page 2 of the Advisory Action. As a result, the Examiner relies on only Matsuura for the teaching of the claimed indirect irradiation.

Matsuura's laser irradiation is for disconnecting an FET switch from a pixel having a defective portion and thus is not on the pixel itself. See column 3, lines 49-52, of Matsuura. In response to applicants' explanation that cutting the wiring connection between the FET switch and the pixel does not meet the limitation that a high resistivity region is formed as a result of a melting of the electroluminescent layer in a pixel, the Examiner responds that "[h]owever, the rejection also includes the teachings of Yamaguchi, in addition to Nagayama and Matsuura. As a whole they would have suggested forming an insulating region around the defect in order to isolate the defective EL portion." See page 2 of the Advisory Action. The Examiner has failed to make out a *prima facie* case of obviousness.

"Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741

legal conclusion of obviousness.” *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007). Under *KSR*, the Examiner must explain why and how persons of ordinary skill in the art would have used Yamagata’s teaching of direct laser irradiation at a defective portion in a pixel of an EL device and Matsuura’s teaching of cutting connection between a TFT switch and a pixel in an LCD device so as to produce the claimed method that includes an indirect laser irradiation off a defective portion but still within a pixel of an EL device. Only stating that “as a whole they would have suggested” the claimed invention does not pass the test under *KSR*.

The rejection of claims 1-7 under 35 USC 103(a) on Nagayama, Yamagata and Matsuura should be withdrawn because they do not teach or suggest the claimed invention as a whole.

The remaining obviousness rejection of claims 5 and 6, separate from the above rejection, relies on Nagayama, Yamagata and Matsuura and thus should be withdrawn as well because Nagayama, Yamagata and Matsuura do not provide the teachings for which they are cited.

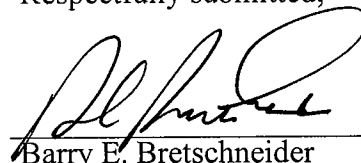
In light of the above, a Notice of Allowance is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952**, referencing Docket No. **606402016100**.

Respectfully submitted,

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